

REMARKS

Claims 1-12 were pending at the time of the Office Action. In this Amendment, claims 1, 7, 8 and 11 have been amended to clarify an aspect of the invention. Care has been exercised not to introduce new matter. Support is found in, for example, paragraphs [0046]-[0048] and [0068]-[0071] of the application-as-published.

REJECTION OF CLAIMS UNDER 35 U.S.C. §103

Claims 1-2, 4-5 and 10-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Frank S. Yuan (U.S. Publication No. 2002/0038277, hereinafter “Yuan”) in view of Carlisle et al. (U.S. Patent No. 5,629,118, hereinafter “Carlisle”). Claims 3 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yuan in view of Carlisle and Cole et al. (U.S. Publication No. 2002/0161707, hereinafter “Cole”). The rejections are respectfully traversed for the following reasons.

The proposed combination of Yuan, Carlisle and Cole fails to disclose limitations of claims 1 and 11 regarding “the at least two payment means are selected by the user.”

Carlisle’s system checks whether a sufficient balance remains in account A to cover the price of the item. If the account A is insufficient to cover the price of the item, the system checks whether sufficient balance remains in the account B. **Carlisle does not allow the customer to choose the accounts to be debited for the price of the item among the plural accounts**, but only one of the two accounts A and B or all of the two accounts A and B **are chosen according to the predetermined debt priority algorithm** to pay the price of the item, and the portion of amount to be paid by the chosen account is also decided by the predetermined debt priority algorithm. (See Carlisle’s FIG. 13 and column 22, line 31-column 23, line 29) In contrast, claims 1 and 11 require “**the at least two payment means**” to be “**selected by the**

user.” As disclosed in FIG. 4b, the user selects at least two payment means for a partial payment and transmits selection information on kinds of payment means that the user has selected (S240). (See paragraphs [0046]-[0048] of the application-as-published)

In addition, as admitted by the Examiner, Yuan is also silent on the selection of at least two payment means by the user. Cole, which was cited for cash payment and credit card, fails to cure deficiencies of Carlisle as well.

Because the proposed combination of Yuan, Carlisle and Cole fails to suggest the at least two payment means to be selected by the user, it is respectfully submitted claims 1 and 11 and claims dependent thereupon are patentable over the combination of Yuan, Carlisle and Cole.

Claims 7-9 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over the publication by Yuan in view of Cole. The rejection is respectfully traversed for the following reasons.

The proposed combination of Yuan and Cole fails to disclose the following limitations of claim 7; “the payment of said goods is performed by at least two payment means,” “receiving purchase cancellation information from the user, in which cancellation of a portion of price of said goods, which is paid by at least one of the payment means, is requested,” and “performing partial payment cancellation in association with said refund.”

Cole subtracts payment charges from the contract amount and refunds the paid amount less payment charges to the credit card holder. Cole neither allows the contract amount to be paid by at least two credit cards nor refunds the amount to be paid by one of the plural credit cards (See Cole’s paragraphs [0168]-[0170]) In contrast, claim 7 requires “the payment of said goods” to be “performed by at least two payment means,” and “a portion of price of said goods, which is paid by at least one of the payment means,” to be “canceled.” As disclosed in FIG. 9, in

case a payment is performed using a plurality of payment means, payment means to perform cancellation on is selected, and partial payment cancellation is selectively performed with respect to the selected payment means. (S960) (See paragraphs [0078]-[0081] of the application-as-published)

In addition, Yuan is silent on “the payment of said goods” to be “performed by at least two payment means,” and “a portion of price of said goods, which is paid by at least one of the payment means,” to be “canceled.”

Since the proposed combination of Cole and Yuan fails to suggest “the payment of said goods” is performed by at least two payment means,” and “a portion of price of said goods, which is paid by at least one of the payment means, is canceled,” it is respectfully submitted claim 7 and claims dependent thereupon are patentable over the combination of Cole and Yuan.

Next, the proposed combination of Cole and Yuan fails to disclose limitations of claim 8 regarding “receiving request information for change of goods from the user, wherein the information includes a second goods and a price of said second goods,” and “calculating a difference in an amount of payment, associated with said request information for change of goods, wherein the difference in an amount payment equals the price of said first goods less the price of said second goods.”

As addressed above, Cole subtracts payment charges from the contract amount and refunds the paid amount less payment charges to the credit card holder. Cole, however, is silent on a change of goods and calculating a difference in an amount of payment as required by claim 8. (See Coles’ paragraphs [0166]-[0170]) In contrast, claim 8 requires the “request information” to “include[s] a second goods and a price of said second goods,” and “a difference in an amount of payment,” which “equals to the price of said first goods less the price of said second goods,”

to be calculated. In addition, Yuan is silent on a change of goods and calculating a difference in an amount of payment as required by claim 8.

Because the proposed combination of Cole and Yuan fails to suggest “receiving request information for change of goods from the user, wherein the information includes a second goods and a price of said second goods,” and “calculating a difference in an amount of payment, associated with said request information for change of goods, wherein the difference in an amount payment equals the price of said first goods less the price of said second goods,” it is respectfully submitted claim 8 and claims dependent thereupon are patentable over the combination of Cole and Yuan.

Conclusion

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

10/576,339

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Hosang Lee
Registration No. L00,295

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 HL:idw
Facsimile: 202.756.8087
Date: June 10, 2009

**Please recognize our Customer No. 20277
as our correspondence address.**